

## **REMARKS/ARGUMENTS**

Claims 1-4, 8-12, 14, 15, 19-23, 25, 26 and 28 are pending in the present application. Claims 1, 2, 14, 15, 25 and 26 have been amended herewith. Reconsideration of the pending claims is respectfully requested.

### **I. 35 U.S.C. § 112, First Paragraph**

Claims 1, 14 and 25 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

In rejecting Claims 1, 14 and 25, the Examiner asserts that the Specification only describes the altering of a travel plan by ‘changing’ or ‘replacing’ downstream segments, but does not describe the altering of a travel plan by ‘adding’ additional downstream segments. Applicants direct the Examiner’s attention to page 5, line 19 – page 6, line 8; page 23, line 25; page 24, line 15; and page 35, lines 12-22, and as depicted by element 830 of Figure 8 (“A room at the Marriott Courtyard DFW has been reserved” due to cancellation of the flight from DFW to LAX, thus prompting the cancellation of the preexisting reservation at Marriott Courtyard LAX and the adding of the reservation at the Marriott Courtyard DFW since the traveler is not flying to LAX that night), which clearly describes altering a travel plan by adding new segments to a travel itinerary. Applicants have in any event amended such claims to use the identical terminology described in the Specification.

Therefore, the rejection of Claims 1, 14 and 25 under 35 U.S.C. § 112, first paragraph has been overcome.

### **II. 35 U.S.C. § 112, Second Paragraph**

Claims 1, 2, 14, 15, 25 and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Applicants have amended Claims 1, 2, 14, 15, 25 and 26 to eliminate usage of the objectionable ‘if’ statement.

Therefore the rejection of Claims 1, 2, 14, 15, 25 and 26 under 35 U.S.C. § 112, second paragraph has been overcome.

### **III. 35 U.S.C. § 103, Obviousness**

Claims 1-4, 8-11, 14, 15, 19-22, 25-26 and 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nassar (European Patent Application No. EP 1096405 A2), hereinafter “Nassar” in view of Anderson et al. (U.S. Publication No. 2002/0178226), hereinafter “Anderson”, in view of Lee et al. (U.S. Patent No. 6,263,358), hereinafter “Lee”, and further in view of Bekkers (U.S. Publication No. 2004/0019509), hereinafter “Bekkers”. This rejection is respectfully traversed.

With respect to Claim 1, such claim recites “sending, by the dynamic itinerary monitoring system, a notification to a communication device associated with the user indicating the altered downstream segments of the travel plan and the modified travel accommodations, wherein the altered downstream segments include both (i) changes that were made to certain of the downstream segments of the prearranged travel plan by the dynamic itinerary monitoring system, and (ii) new travel accommodations that were secured for the user by the dynamic itinerary monitoring system”. As can be seen, the notification that is provided to the user is provided by the same dynamic itinerary monitoring system that actually made the changes for the user (without user involvement), and includes the actual changes that were automatically made by the dynamic itinerary monitoring system – both changes made to certain ones of the old segments, as well as new accommodations.

The cited Nassar reference, which is cited as teaching the claimed notification feature, merely provides a passive notification that a change to an itinerary has occurred (your flight has been delayed) but provides no information as to actual changes made to the underlying travel plan – by the monitoring system itself, without user involvement – that were automatically made in response to such itinerary change. In fact, there would be no reason for Nassar to provide such a notification as the Nassar end-user themselves made the changes to the underlying accommodations and therefore there would be no need to provide such a notification as the end-user is already aware of such changes as they made them themselves (such user-provided changes are described at, for example, Nassar col. 3, paragraph [0013], albeit with user assistance provided by the travel intelligence center server).

The Examiner now asserts that Nassar teaches the claimed notification feature at col. 11, lines 1-15. Applicants show that there, Nassar states:

“The next day while still in his meeting, he receives two beeps on his telephone and the following message is displayed:

Your AA4321 flight is departing from JFK Airport Gate B2 at 6:30 PM.

At this point Mr. Schlumberger selects the Next Available flight request in the services menu:

Airport

Hotline

Current flight status

Previous available flight

Next available flight

Rental Car

A few seconds later a list of choices appears on the screen and Mr. Schlumberger selects the last flight out of New York for San Jose:

Next available flight from JFK

AA5432 at 7:30 PM

DL5555 at 9:45 PM

UAL4444 at 10:05 PM

Reschedule

Several hours later while trying to make the last flight out, Mr. Schlumberger is beeped again and the following message is displayed:

Flight UAL4444 is delayed by 15 minutes. Now flight UAL444 is departing from JFK Gate C4 at 10:20 PM.”

As can be seen, this cited passage describes: (1) a status message that a flight departing from JFK Airport Gate B2 has been delayed, (2) a user manually selecting a ‘Next Available Flight’ command from a menu list of actions that may be performed, (3) a list of available flights from JFK, and (4) another status message that Flight UAL4444 is delayed. Thus, this cited passage merely describes the sending to the user of *status* information pertaining to delayed flights and next available flights. This presenting to the user of status information pertaining to delayed flights and next available flights does not describe any sending to a user of “(i) changes that were made to certain of the downstream segments of the prearranged travel plan by the dynamic itinerary monitoring system, and (ii) new travel accommodations that were secured for the user by the dynamic itinerary monitoring system”, as expressly recited in Claim 1. Instead, it merely describes status information associated with flights (delayed, available), as further described by Nassar in paragraph [0053] and step 112 of Figure 3C. There is no user notification information pertaining to auto-negotiated changes that were made by a dynamic itinerary monitoring system, as is provided by the features of Claim 1.

Thus, it is urged that Claim 1 has been erroneously rejected under 35 U.S.C. § 103 as a proper prima facie showing of obviousness has not been established.<sup>1</sup>

Applicants traverse the rejection of Claims 2-4, 8-11, 14, 15, 19-22, 25, 26 and 28 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-4, 8-11, 14-15, 19-22, 25-26 and 28 under 35 U.S.C. § 103 has been overcome.

#### **IV. 35 U.S.C. § 103, Obviousness**

Claims 12 and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nassar in view of Anderson, in view of Lee, in view of Bekkers, and further in view of Zobell et al. (U.S. Patent No. 6,606,553), hereinafter “Zobell”. This rejection is respectfully traversed.

This rejection is respectfully traversed for similar reasons to those given above with respect to Claim 1 (of which Claim 12 ultimately depends upon). For example, Zobell is directed to an air traffic control system which reroutes flights based on weather conditions, and is not geared toward or directed to any type of end-user notification functionality such as the provided by Claim 1.

Therefore, the rejection of Claims 12 and 23 under 35 U.S.C. § 103 has been overcome.

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<sup>1</sup> In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

**V. Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 17, 2008

Respectfully submitted,

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